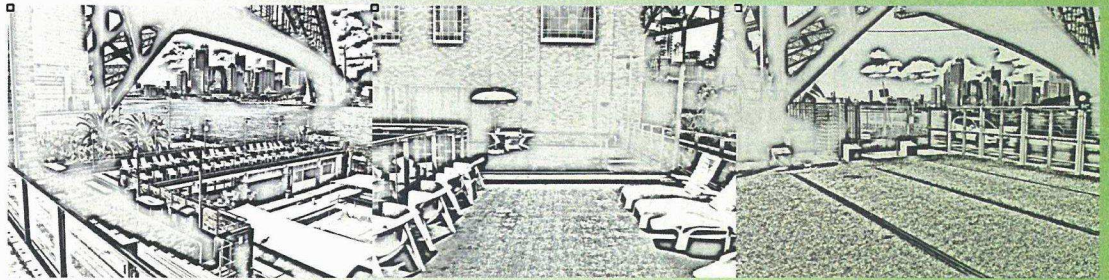




REPORT



North Sydney Olympic Pool Planning Proposal

November 2012



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Introduction

1.1 Preamble

Consistent with the *North Sydney Olympic Pool Marketing Plan 2009-2011*, North Sydney Council is in the process of exploring further revenue streams from operation of the North Sydney Olympic Pool (NSOP). One of these options is the potential use of the NSOP sundeck and adjacent area for private / corporate functions that are unrelated to the primary use of the site for a swimming pool.

Any such proposal would be characterised as a “commercial premises” or “function centre” use under the *North Sydney Local Environmental Plan 2001* (NSLEP 2001) and draft *North Sydney Local Environmental Plan 2012* (DNSLEP 2012) respectively. These uses are currently prohibited at the site under both instruments.

This planning proposal has been prepared on behalf of the North Sydney Council and relates to the permissibility of “commercial premises” and “function centre” uses on a defined portion of the NSOP site.

1.2 Purpose and requirements

This planning proposal supports an amendment to the NSLEP2001 and the DLEP2009 to allow “commercial premises” and “function centre” uses on a defined portion of the NSOP site. It has been prepared pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in recognition of the Department of Planning and Infrastructure publication *A guide to preparing planning proposals*. To that end, it:

- Identifies the site and describes the surrounding locality;
- Describes the nature and purpose of the proposed LEP amendment;
- Identifies the relevant planning controls; and
- Provides an assessment of the proposed LEP amendment against the provisions of Section 55(2) of the EP&A Act to assist Council in progressing the planning proposal through the gateway determination process (refer section 56).

In recognition of the Department of Planning and Infrastructure’s recent update and republication of *A guide to preparing planning proposals*, the requirements of the revised document have been reviewed to ensure all relevant matters have been addressed.

Table 1-1 indicates where in this document relevant requirements have been addressed.

Planning Proposal	1-1
North Sydney Olympic Pool – Alfred Street South, Milsons Point	

Table 1-1 Planning proposal requirements

Guideline reference	Where addressed in this document
Part 1 – Objectives or intended outcomes	Section 4.1
Part 2 – Explanation of provisions	Section 4.2
Part 3 – Justification	
Section A – Need for the planning proposal	Section 4.3
Section B – Relationship to strategic planning framework.	Section 4.3
Section C – Environmental, social and economic impact	Section 4.3
Section D – State and Commonwealth interests	Section 4.3
Part 4 – Mapping	The area to which the planning proposal applies is described in Section 2.1 and illustrated by Figure 2-1. If required, mapping would be prepared in accordance with the <i>Standard technical requirements for LEP maps</i> at a later stage.
Part 5 – Community consultation	Section 4.4
Part 6 – Project timeline	To be managed by North Sydney Council following acceptance of this document.

2

Site details and context

2.1 Site details

The subject site is known as North Sydney Olympic Pool and is located at 4 Alfred Street South, Milson Point. As identified by the Cadastral Records Enquiry Report (Appendix A), the site formally comprises Lot 104 in DP 854064, Lot 101 in DP 880236 and Lot 100 in DP 875048.

NSOP includes an Olympic size swimming pool, a gym, a crèche and associated amenities. Opening hours are Monday to Friday 5.30 am to 9 pm and Saturdays, Sundays and Public Holidays 7 am to 7pm. Alfred Street South on-street parking services the pool.

The location of the NSOP site is shown by Figure 2-1. The area the subject of this planning proposal is Part Lot 100 in DP 875048 and is also shown by Figure 2-1.

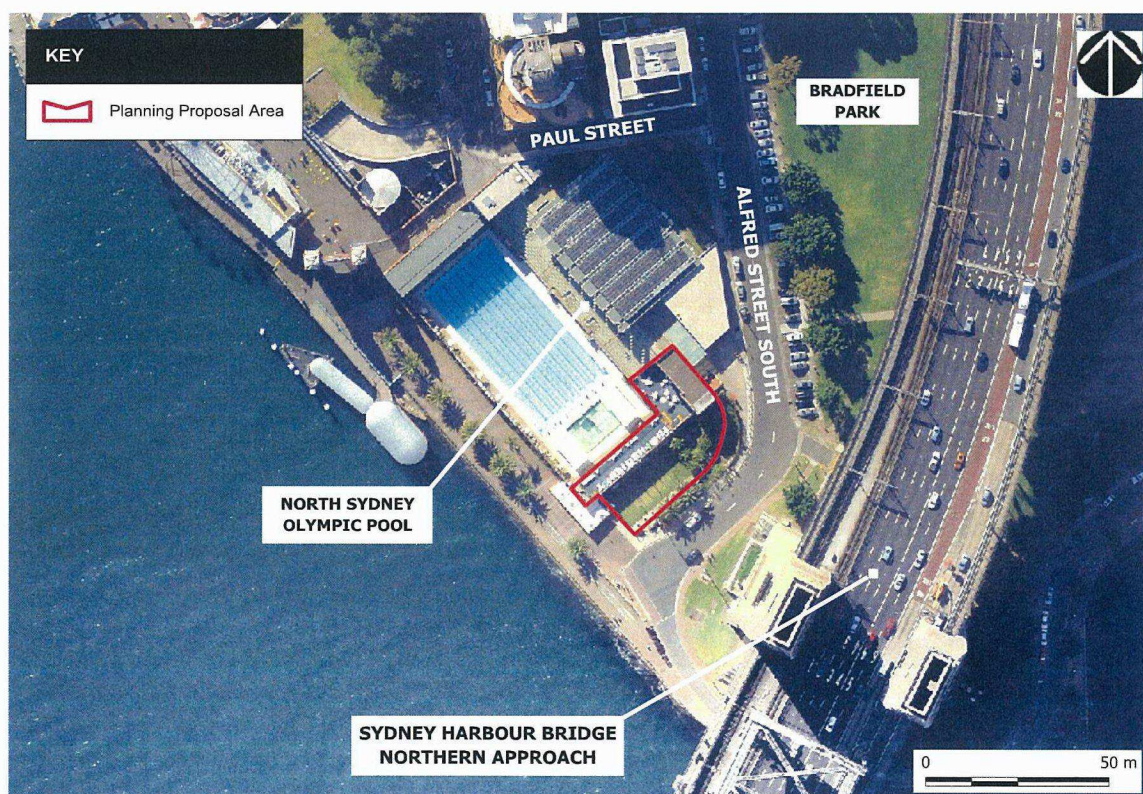


Figure 2-1 Location of the site

Paul Street, Alfred Street South and a pedestrian thoroughfare, which is identified as Olympic Drive, surround the site. The site is approximately 100 metres long and of variable width from approximately 95 metres to 40 metres.

The physical characteristics of NSOP have been described as a full Olympic public swimming pool with grandstand over amenities on the north side, offices and plant rooms on the west and boundary walls on the south and east sides, with a kiosk in the south-east corner. The boundary walls and buildings are all constructed of brick, with most walls simply detailed. The bricks are textured with horizontal lines, and several colours of bricks are used. The south and east boundary walls are formed from a series of stilted semi-circular arches, with the south wall being the main facade. The central pair of arches are taller, forming a rectangular pediment above with stucco moulded keystones formed as parrots. The flanking three arches on each side have keystones formed as scallop shells. Spandrels are also moulded with fish, plant and water motifs. Other arches are of brick without stucco decoration (Brassil et al 1993). Selected parts of the site have been leased for restaurant purposes.

2.2 Site context

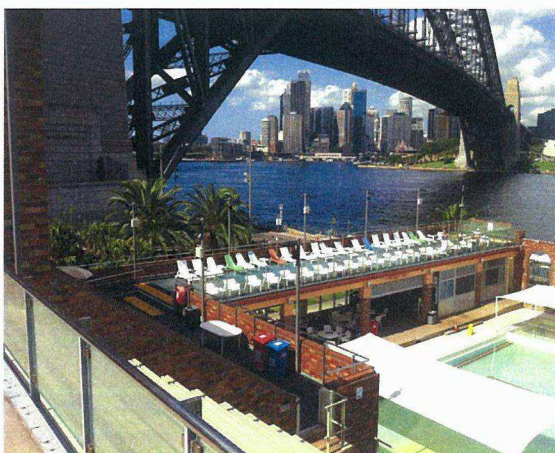
Surrounding and nearby land uses include the Sydney Harbour Bridge, Luna Park, the North Shore railway line and Bradfield Park. Milsons Point Railway Station is located approximately 300 metres to the north. Other elements of the built form included and various medium to high rise buildings used for commercial and residential purposes, with some smaller residential examples.

Vehicular access to the site is primarily via Alfred Street South, which accommodates two-way traffic. One-way access from the east is also available via Olympic Drive. Two-hour metered parking is available on both sides of Alfred Street South (parallel to kerb on the western side and perpendicular to kerb on the eastern side).

Pedestrian access to the site is available via the local road network, with additional opportunity to traverse Bradfield Park under the Sydney Harbour Bridge northern approach.

The Sydney Harbour Bridge and the harbour itself dominate the visual context of the surrounding area. Views to the site are available from adjacent streets and public domain areas as well as from surrounding buildings.

Figure 2-2 illustrates the context of the site.



View southeast across the site



View northeast across lower level open area

Figure 2-2 Images of the subject site

3

Proposed amendment

3.1 Current planning controls

North Sydney Local Environmental Plan 2001 (NSLEP 2001) currently applies to the subject site. Under the NSLEP 2001 the subject site is zoned Public Recreation and functions of the type proposed are appropriately characterised under the development type *commercial premises* in recognition of their commercial purpose. That development type is specifically defined as follows:

commercial premises means a building or place used as an office or for other business or commercial purposes, but (in Part 2) does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a land use elsewhere specifically defined in this Schedule.

Characterisation of the proposed use under the definition of *recreation area* was considered but is not preferred due to uncertainty about the types of functions to which that definition can ultimately extend.

Pursuant to the development control table in Part 2 of the NSLEP 2001, development for the purposes of commercial premises is prohibited in the Public Recreation zone. Further, this use at the subject site is not rendered permissible by any other specific provision in the NSLEP 2001.

For context, it is noted that the subject site is zoned RE1 – Public Recreation under the DNSLEP 2012. The proposed use would be characterised as a *function centre* and pursuant to the Land Use Table, would be prohibited in the RE1 – Public Recreation zone.

3.2 Proposed amendment

The purpose of the proposed amendment is to allow part of the subject premises to be used for the purpose of functions. It is envisaged that NSOP management would rent this space for a range of private / corporate functions that are unrelated to the primary use of the site for a swimming pool.

The suggested form of the proposed amendment is detailed in section 4.2. It involves the amendment of Part 5 of the NSLEP 2001 to include a specific provision for the site. It is understood that this amendment could then rolled into the DNSLEP 2012 at the appropriate time.

4

Legislative context

The *Environmental Planning and Assessment Amendment Act 2008* and the *Environmental Planning and Assessment Amendment (Plan Making) Regulation 2009* commenced on 1 July 2009, and incorporated amending provisions relating to the making of environmental planning instruments.

The amending provisions introduced a system known as the “gateway plan making process”, which is intended to streamline plan making allowing environmental planning instruments to be prepared, considered and approved in a much shorter timeframe.

Section 55(1) of the EP&A Act specifies that before an environmental planning instrument is made, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument, and sets out the justification for its making (“the planning proposal”).

Section 55(2) specifies that the planning proposal is to include a statement of the objectives and intended outcomes of the proposed instrument, an explanation of the provisions that are to be included in the proposed instrument, the justification for those objectives, outcomes and provisions, maps to be adopted by the proposed instrument, and details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Further, the Department of Planning has recently updated and republished the document *A Guide to Preparing Planning Proposals* (Department of Planning, 2012), to explain the format and content of a planning proposal to be prepared by the relevant planning authority.

4.1 Objectives or intended outcomes

The objective of the proposed amendment is to allow part of the subject premises (Part Lot 100 in DP 875048) to be used for the purpose of private / corporate functions.

More broadly, the intended outcome is to allow use of the site in a way that takes full advantage of the iconic views that are available of Sydney Harbour. It is considered that the position of the site has the potential to significantly enhance the experience for function attendees, particularly during special events such as those held on Australia Day and New Years Eve.

A further objective is to ensure that the extension of permissible uses to functions occurs with appropriate safeguards to ensure that amenity for nearby residents and users of the public domain is not compromised.

4.2 Explanation of provisions

The LEP amendment proposed is in the form of an additional site-specific provision in Part 5 of the NSLEP 2001, as outlined below:

XX North Sydney Olympic Pool

(1) Subject land

This clause applies to that part of Lot 100 in DP 875048 that comprises the North Sydney Olympic Pool sundeck and lower level and lower level recreation area.

(2) Objective

The specific objective of the control in relation to the subject land is to permit use of the subject land for the holding of events, functions, conferences and the like.

(3) Development that may be carried out on the subject land

Despite the Table to Part 2, but subject to subclause (4), development for the purpose of the following is permitted, with development consent, on the land:

commercial premises.

(4) Development for the purposes of commercial premises on the subject land is limited to use for the holding of events, functions, conferences and the like.

4.3 Justification

Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

The proposed amendment is not specifically the result of any planning related strategic study or report. However, the proposal to use the NSOP for functions is identified by the *North Sydney Olympic Pool Marketing Plan 2009 – 2011* and is consistent with the aim of ensuring the facility is both financially viable and caters for as many users / groups as possible.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed amendment to Part 5 of the North Sydney LEP is similar in form and purpose to existing provisions in Part 5 of the NSLEP 2001.

A rezoning of the subject land could achieve the stated objective but is not considered appropriate in this case due to the dominant use of the site as a recreational facility. The addition of *commercial premises* in the list of permissible uses for the Public Recreation zone would have potential implications beyond the subject site.

Relationship to the strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The *Metropolitan Plan for Sydney 2036* (NSW Government, 2010) integrates land use, urban and funded-transport planning together to provide a framework for sustainable growth and development across Sydney. The Metropolitan Plan identifies North Sydney a part of a Global Economic Corridor which extends from Macquarie Park to North Sydney and then continues through Sydney City to Port Botany and Sydney Airport. The 'Global Sydney' strategic centre, which includes North Sydney, is recognised a cultural, recreation and entertainment destination for the Sydney region. The Metropolitan Plan seeks to boost the economic role of North Sydney. The proposed diversification of use at the NSOP is considered generally compatible and consistent with this broader strategic direction.

In July 2007, the NSW Government released the draft Inner North Subregional Strategy, which implements the Metropolitan Strategy at the subregional level. North Sydney LGA is located within the Inner North Subregion. The Subregional Strategy includes a range of measures in areas including centres and corridors, economic development, employment and management of recreational resources. The proposed diversification of use at the NSOP is considered generally compatible the strategic direction set by the Subregional Strategy.

Is the planning proposal consistent with the council's local strategy or other local strategic plan?

2020 Vision, North Sydney Community Strategic Plan 2009-2020 sets a strategic direction for where the community of North Sydney wants to be in the year 2020. North Sydney Council prepared the Community Strategic Plan in partnership with local residents, the business community, other levels of government, educational institutions, non-government community and cultural organisations and neighbouring councils. The proposed diversification of use at the NSOP is directly consistent with following goal, objective and strategy in the Community Strategic Plan:

- GOAL 5.5 Ensure the long-term financial sustainability of North Sydney.
- OBJECTIVE 5.5.1 To ensure North Sydney Council is financially sustainable.
- STRATEGY 5.1.3 Investigate opportunities to expand revenue from commercial operations, property portfolio and other income generating assets.

The proposal is also generally compatible with other elements of the Community Strategic Plan in that it would not obstruct progress towards other stated goals and objectives.

Given the proposal seeks to permit limited commercial activity in the NSLEP 2001 Public Recreation zone (at the subject site), it is relevant to consider the objectives of that zone. They are stated as follows:

(a) allow for a range of open space areas and public facilities which meet the needs of the North Sydney population for recreation, and

(b) *ensure sufficient public recreation areas are available for the benefit and use of residents and visitors to the North Sydney local government area, and*

(c) *allow for the enhancement and management of both formal and informal recreation areas in accordance with plans of management adopted by the Council under the Local Government Act 1993.*

The proposal would not obstruct the achievement of these objectives at the NSOP. Further, it is noted that recreation areas are a permissible use in the Public Recreation zone.

Recreation areas are defined as:

recreation area means:

(a) *a children's playground, or*

(b) *an open area used for sporting activities or sporting facilities, or*

(c) *an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or*

(d) *an open area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes, or*

(e) ***an area or place used for the purpose of temporary private or community functions or entertainment, [emphasis added]***

but does not include a racecourse or a showground.

While the scope of this definition may not be sufficient to allow the full range of private / corporate functions contemplated by the planning proposal, it does indicate that use of recreation areas such as the NSOP for functions is contemplated by the NSLEP 2011.

Is the planning proposal consistent with applicable State environmental planning policies?

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour REP) is a deemed State environmental planning policy (SEPP). It applies to all land within the Sydney Harbour Catchment as shown on the Sydney Harbour Catchment Map. While the site is within the catchment and the defined Foreshores and Waterways Area, is not identified as a strategic foreshore site and is not zoned.

Clause 20 requires that consent authorities consider the matters set out in Part 3 Division 2 before granting consent to development under Part 4 of the EP&A Act. While not directly applicable to planning proposals, these matters assist in establishing consistency with the Sydney Harbour REP and have therefore been considered.

Table 4-1 Harbour REP Part 3 Division 2 matters

Clause	Matter	Comment
21	Contains a number of matters in relation to biodiversity, ecology and environmental protection.	The planning proposal would have a neutral effect on water quality.
22	Public access to foreshores and waterways	The planning proposal would not affect access to harbour foreshores.
23	Maintenance of a working harbour	No impact.
24	Interrelationship of waterway and foreshore uses	The planning proposal would not affect access to harbour foreshores. It would also not affect waterway dependant uses.
25	Scenic quality	The planning proposal would result in negligible change to the visual environment.
26	Maintenance, protection and enhancement of views	The planning proposal is not likely to lead to obstruction or reduced quality of views.
27	Boat storage	No impact.

No other SEPPs are directly relevant to the proposed amendment. It is noted that subject site is near, but outside the Luna Park State Significant Development Site identified by *State Environmental Planning Policy (State and Regional Development) 2011*.

Appendix B includes a review of all SEPPs applying to the subject land and comments on their applicability or otherwise to the subject proposal.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Table 4-2 considers potentially relevant section 117 directions.

Table 4-2 Review of Ministerial Directions

Direction	Comment
2.3 Heritage conservation	
A planning proposal must contain provisions that facilitate the conservation of heritage items, Aboriginal objects and Aboriginal places.	The site already forms part of the NSLEP 2001 listed heritage item known as North Sydney Olympic Pool (Item 0027). Clause 45 of the North Sydney LEP requires development consent for the demolition, alteration and certain other changes to a listed item. Aboriginal objects or places would not be affected.
3.4 Integrating land use and transport	
A planning proposal must be consistent with Department of Planning guidelines for improving access to housing, jobs and services by walking, cycling and public transport.	As discussed above, the proposed use would generate traffic and increase demand for both on-street and off-street parking. These increases are however likely to be below the peaks already created by other events that currently occur at the NSOP and would be manageable through consideration of event
Planning Proposal North Sydney Olympic Pool – Alfred Street South, Milsons Point	
4-5	

Direction	Comment
	scheduling. It is also noted that the site is well served by public transport.
6.3 Site specific provisions	
This direction discourages unnecessarily restrictive site-specific planning controls. Relevantly, it requires:	The proposed amendment does not impose controls that are inconsistent with the requirements of this direction.
(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:	
(a) allow that land use to be carried out in the zone the land is situated on, or	
(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or	
(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	
(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	
Requires that planning proposals be consistent with the Metropolitan Plan for Sydney 2036.	This has been discussed above.

Appendix C includes a review of all s.117 directions potentially applying to the subject site and comments on their applicability or otherwise to the subject proposal.

Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site does not provide habitat on which threatened species would be reliant and does not support endangered ecological communities. It is not designated critical habitat under the *Threatened Species Conservation Act 1995*. Accordingly, there would be no impact on threatened species, populations or ecological communities or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As noted in Table 4-2, the site forms part of the NSLEP 2001 listed heritage item known as North Sydney Olympic Pool (Item 0027). It is not expected that the use of existing spaces for functions would have an impact on the heritage values of this item. Any physical changes

required to facilitate the proposed use would be relatively minor and subject to detailed evaluation at the development assessment stage.

Like the existing swimming carnivals that are held at the NSOP, private and corporate functions would generate some noise. Management measures would therefore be required to address the specific noise profile of this use. Measures to be considered during the detailed environmental assessment stage include:

- Limitations on the number of functions that may be held in any given calendar year and any given calendar month. This would allow respite for surrounding uses and generally moderate the overall impact of holding function at the site.
- Limitations on the permitted hours of operation for functions. Permitted hours of operation should be consistent with clause 51 of the *Protection of the Environment Operations (Noise Control) Regulation 2008*. That provision regulates noise from musical instruments or electrically amplified sound equipment.
- Preparation of a noise management plan that addresses all aspects of the proposed use that have the potential to generate noise impacts. Coverage would include positioning of and specification for loudspeakers, setting of noise targets and monitoring.

These measures have not been codified in the proposed amendment in acknowledgement of Section 117(2) direction 6.3 (issued 1 July 2009) and considered in Table 4-2.

The proposed use would generate traffic and lead to some increase in demand for both on-street and off-street parking. These increases are however likely to be below the peaks already created by other events that currently occur at the NSOP and would be manageable through consideration of event scheduling. It is also noted that the site is well served by public transport.

No natural/physical constraints to the proposed development have been identified. Some internal modifications may be required to facilitate access to the function area, while also allowing some separation between private events and the public use of the pool facilities.

Environmental issues associated with any future physical works at the site (eg water quality, dust etc.) can be appropriately managed through the implementation of site-specific safeguards and mitigation measures. These matters can be considered in detail at the development assessment stage.

How has the planning proposal adequately addressed any social and economic effects?

The proposed amendment would not alter the access to any businesses and would not result in a reduction in community services. The holding of functions would not affect the broader use of the pool and other facilities. Significant social impacts are not expected.

The proposal would generate and support economic activity.

The NSOP precinct is already effectively a multi-purpose facility offering swimming, swimming related events such as carnivals, New Years Eve events and gym facilities. Adjacent restaurants and cafes (Aqua and Ripples) add a commercial dimension. These establishments offer casual dining as well as services for groups, private functions and

weddings. Use of the subject site for functions would be consistent with and complement these existing uses but would allow a greater proportion of the site to be utilised. It would provide an opportunity to extend an experience of the iconic views and atmosphere of the site to a broader range of people.

Relevantly, the *North Sydney Olympic Pool Marketing Plan 2009 – 2011* notes the following:

As a community-based facility, NSOP needs to continue to offer services to all customer segments within the North Sydney local government area. It should be noted that these groups sometimes have conflicting needs and wants and that it is not appropriate to shape the facility's services around any one customer segment.

In addition to diversifying the services offered by the NSOP, use of the subject site for functions would open a further source of revenue that would assist in maintaining the financial viability of this community based facility. These aspects are considered represent an import community benefit.

The proposed amendment relates to the specific circumstances of the NSOP and in this context it would not create an adverse precedent across the local government area. For similar reasons cumulative effects are not expected.

The proposed amendment would not result in an incompatible relationship with adjoining land uses, both visually and functionally. There would likely be very limited visual change associated with the proposed use and amenity impacts resulting from noise and traffic can be appropriately addressed through the prescription of management controls at the development assessment stage. It is noted that swimming carnivals already periodically occur at the site to 10 pm.

State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The subject site has adequate access to required services including power and communications.

Safe access to the local and State road networks as well as public transport can be achieved from the site.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

It is noted that this section of the planning proposal is completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination and must summarise any issues raised by public authorities not already dealt with in the planning proposal, and address those issues as appropriate.

Formal gateway determination follows submission of the planning proposal by Council.

4.4 Community consultation

It is expected that North Sydney Council would implement a community consultation process in accordance with Section 57 of the EP&A Act.

5

Conclusion

North Sydney Council is in the process of exploring the potential use of the NSOP sundeck and adjacent area for private / corporate functions that are unrelated to the primary use of the site for a swimming pool. It has been determined that such a use would require a site-specific amendment to the NSLEP 2001.

The proposal would deliver social and economic benefits. In addition to diversifying the services offered by the NSOP, use of the subject site for functions would open a further source of revenue that would assist in maintaining the financial viability of this community based facility. These aspects are considered to represent an important community benefit and are consistent with the *2020 Vision, North Sydney Community Strategic Plan 2009-2020*.

It is considered that any adverse impacts can be appropriately managed through the imposition of controls /conditions at the development assessment stage.

For the reasons outlined above, the proposed amendment is recommended for Council's consideration.

References

T, Brassil. R, Irving. C, Pratten. Conybeare Morrison. 1993. *North Sydney Heritage Study Review*.

Department of Planning. 2012. *A Guide to Preparing Planning Proposals*. Department of Planning and Infrastructure. Sydney.

North Sydney Council. 2009. *North Sydney Olympic Pool Marketing Plan 2009 – 2011*. Unpublished.

NSW Government. 2010. *Metropolitan Plan for Sydney 2036*. NSW Government. Sydney.

Appendices

Appendix A

Property information

Requested Parcel : Lot 100 DP 875048

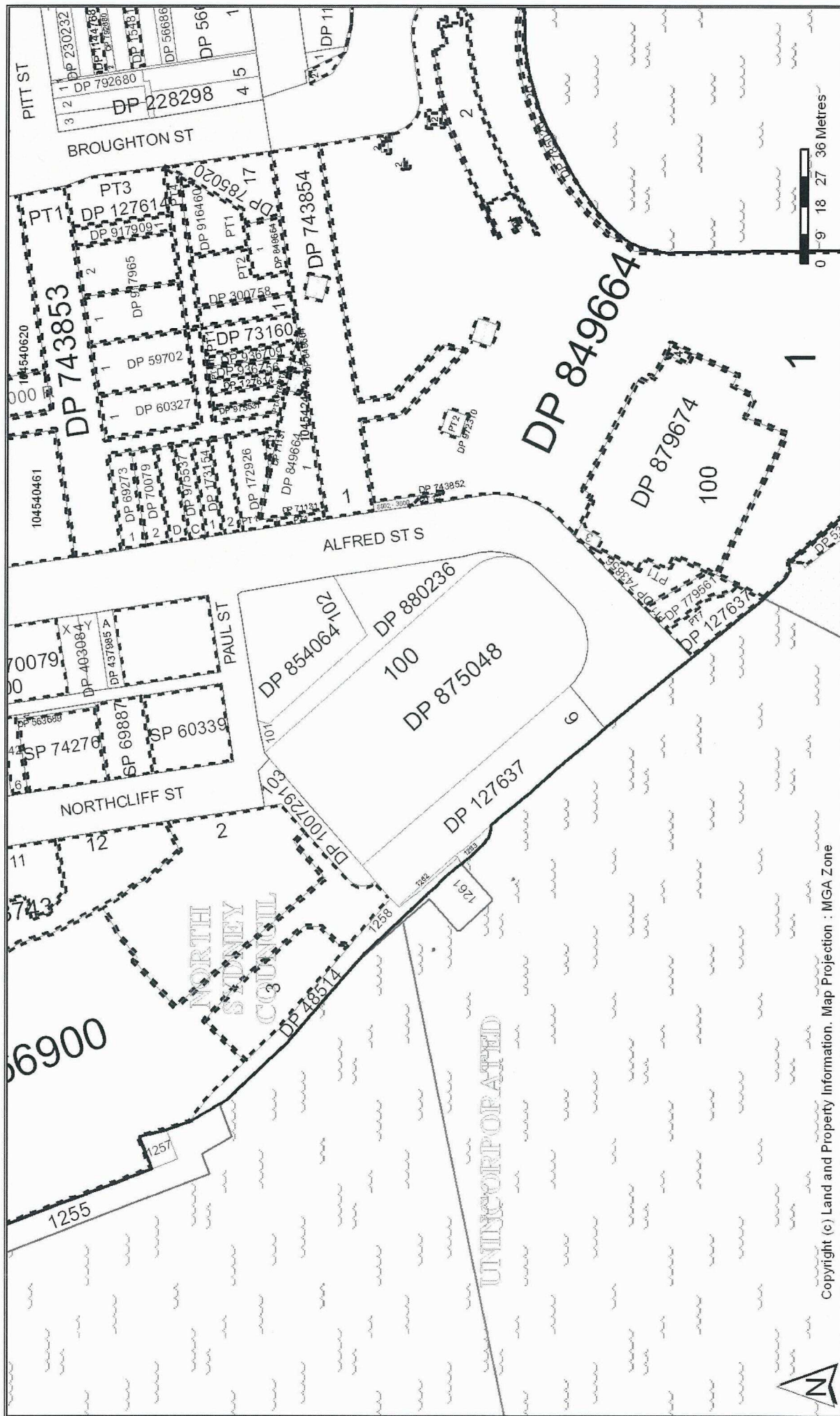
Identified Parcel : Lot 100 DP 875048

Locality : MILSONS POINT

LGA : NORTH SYDNEY

Parish : WILLOUGHBY

County : CUMBERLAND



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This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGS Charting and Reference Maps.

Appendix B

Review of State Environmental Planning Policies

SEPP or deemed SEPP	Applicability / Relevance
State Environmental Planning Policy No 1— Development Standards	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy No 6— Number of Storeys in a Building	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy No 14— Coastal Wetlands	Not applicable to the subject site.
State Environmental Planning Policy No 15—Rural Landsharing Communities	Not applicable to the subject site.
State Environmental Planning Policy No 19— Bushland in Urban Areas	Applies to North Sydney local government area. Not directly relevant to the planning proposal.
State Environmental Planning Policy No 21— Caravan Parks	Applies to all land in the State that is within a local government area. Not directly relevant to the planning proposal.
State Environmental Planning Policy No 22— Shops and Commercial Premises	Applies to the State. Not relevant to the planning proposal because the subject site is not within a business zone.
State Environmental Planning Policy No 26— Littoral Rainforests	Not applicable to the subject site.
State Environmental Planning Policy No 29— Western Sydney Recreation Area	Not applicable to the subject site.
State Environmental Planning Policy No 30— Intensive Agriculture	Applies to the State. Not relevant to the planning proposal.
State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)	Applies to all urban land. Not relevant to the planning proposal.
State Environmental Planning Policy No 33— Hazardous and Offensive Development	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy No 36— Manufactured Home Estates	Not applicable to the subject site.
State Environmental Planning Policy No 39—Spit Island Bird Habitat	Not applicable to the subject site.
State Environmental Planning Policy No 41— Casino Entertainment Complex	Not applicable to the subject site.
State Environmental Planning Policy No 44— Koala Habitat Protection	Not applicable to the subject site.
State Environmental Planning Policy No 47—	Not applicable to the subject site.

SEPP or deemed SEPP	Applicability / Relevance
Moore Park Showground	
State Environmental Planning Policy No 50— Canal Estate Development	Applies to the State. Not relevant to the planning proposal.
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to the subject site.
State Environmental Planning Policy No 55— Remediation of Land	Applies to the State. Clause 6 requires contamination and remediation to be considered in a zoning or rezoning proposal. Having regard to the classes of land identified for the purposes of clause 6, the following is noted: - The subject land is not within an investigation area. - Preliminary enquiries indicate the specific area that is the subject of the planning proposal is not known to have been used for a purpose referred to in Table 1 to <i>Managing Land Contamination Planning Guidelines SEPP 55—Remediation of Land</i>¹. - Recreational activities are currently occurring at the subject site.
State Environmental Planning Policy No 59— Central Western Sydney Regional Open Space and Residential	Not applicable to the subject site.
State Environmental Planning Policy No 60— Exempt and Complying Development	Not applicable to the subject site.
State Environmental Planning Policy No 62— Sustainable Aquaculture	Applies to the State. Not relevant to the planning proposal.
State Environmental Planning Policy No 64— Advertising and Signage	Applies to the State. Not relevant to the planning proposal.
State Environmental Planning Policy No 65— Design Quality of Residential Flat Development	Not applicable to the proposed use.
State Environmental Planning Policy No 70— Affordable Housing (Revised Schemes)	Applies to the Greater Metropolitan Region. Not relevant to the planning proposal.
State Environmental Planning Policy No 71— Coastal Protection	Not applicable to the subject site.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Applies to the State. Not relevant to the planning proposal.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy (Exempt and	Applies to the State.

¹ Note that a conclusive contamination status can only be determined after a review of the site history and, if necessary, sampling and analysis.

SEPP or deemed SEPP	Applicability / Relevance
Complying Development Codes) 2008	Not directly relevant to the planning proposal.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable to the subject site.
State Environmental Planning Policy (Infrastructure) 2007	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable to the subject site.
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable to the subject site.
State Environmental Planning Policy (Major Development) 2005	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Applies to the State. Not relevant to the planning proposal.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable to the subject site.
State Environmental Planning Policy (Rural Lands) 2008	Not applicable to the subject site.
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable to the subject site.
State Environmental Planning Policy (State and Regional Development) 2011	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable to the subject site.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable to the subject site.
State Environmental Planning Policy (Temporary Structures) 2007	Applies to the State. Not directly relevant to the planning proposal.
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable to the subject site.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable to the subject site.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable to the subject site.
Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)	Not applicable to the subject site.
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	Not applicable to the subject site.
Sydney Regional Environmental Plan No 9—	Not applicable to the subject site.

SEPP or deemed SEPP	Applicability / Relevance
Extractive Industry (No 2—1995)	
Sydney Regional Environmental Plan No 16—Walsh Bay	Not applicable to the subject site.
Sydney Regional Environmental Plan No 18—Public Transport Corridors	Not applicable to the subject site.
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	Not applicable to the subject site.
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	Not applicable to the subject site.
Sydney Regional Environmental Plan No 24—Homebush Bay Area	Not applicable to the subject site.
Sydney Regional Environmental Plan No 25—Orchard Hills	Not applicable to the subject site.
Sydney Regional Environmental Plan No 26—City West	Not applicable to the subject site.
Sydney Regional Environmental Plan No 28—Parramatta	Not applicable to the subject site.
Sydney Regional Environmental Plan No 30—St Marys	Not applicable to the subject site.
Sydney Regional Environmental Plan No 33—Cooks Cove	Not applicable to the subject site.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Subject site is within the Foreshores and Waterways Area. Refer to Section 4.3 of report.
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	Not applicable to the subject site.

Note that deemed State Environmental Planning Policies applying to the Hunter, Illawarra, North Coast and Western NSW regions have not been reviewed in the above table. These policies are not relevant to the subject planning proposal.

Appendix C

Review of s.117 directions

Direction	Comment
1.1 Business and Industrial Zones	
Applies where a planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.	Not relevant to the subject planning proposal.
1.2 Rural Zones	
Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone	Not relevant to the subject planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	
Applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Not relevant to the subject planning proposal.
1.4 Oyster Aquaculture	
Applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006)	Not relevant to the subject planning proposal.
1.5 Rural Lands	
Applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies.	Not relevant to North Sydney local government area.
2.1 Environment Protection Zones	
Requires that a planning proposal include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The planning proposal does not reduce environmental protection measures already contained in the NSLEP 2001.
Provides that a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).	The subject site is not within an environment protection zone.
2.2 Coastal Protection	
Applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	The subject site is not within the coastal zone.
2.3 Heritage conservation	
A planning proposal must contain provisions that	The site already forms part of the NSLEP 2001 listed

Direction	Comment
facilitate the conservation of heritage items, Aboriginal objects and Aboriginal places.	heritage item known as North Sydney Olympic Pool (Item 0027). Clause 45 of the North Sydney LEP requires development consent for the demolition, alteration and certain other changes to a listed item. Aboriginal objects or places would not be affected.
2.4 Recreation Vehicle Areas	
Relates to planning proposals that enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	Not relevant to the subject planning proposal.
3.1 Residential Zones	
Applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.	Not relevant to the subject planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	
Relates to identification of suitable zones, locations and provisions for caravan parks and manufactured home estates.	Not relevant to the subject planning proposal.
3.3 Home Occupations	
Requires that planning proposals permit home occupations to be carried out in dwelling houses without the need for development consent	The subject planning proposal does not change the provisions of the NSLEP 2001 as they relate to home occupations.
3.4 Integrating land use and transport	
A planning proposal must be consistent with Department of Planning guidelines for improving access to housing, jobs and services by walking, cycling and public transport.	The proposed use would generate traffic and increase demand for both on-street and off-street parking. These increases are however likely to be below the peaks already created by other events that currently occur at the NSOP and would be manageable through consideration of event scheduling. It is also noted that the site is well served by public transport.
3.5 Development Near Licensed Aerodromes	
Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	Not relevant to the subject planning proposal.
3.6 Shooting Ranges	
Applies when a relevant planning authority prepares a	Not relevant to the subject planning proposal.

Direction	Comment
planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	
4.1 Acid Sulfate Soils	
Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps	The subject planning proposal does not change the provisions of the NSLEP 2001 as they relate to home occupations.
4.2 Mine Subsidence and Unstable Land	
Applies to land that:	Not relevant to the subject planning proposal.
(a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the <i>Mine Subsidence Compensation Act 1961</i> , or	
(b) has been identified as unstable land.	
4.3 Flood Prone Land	
Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Not relevant to the subject planning proposal.
4.4 Planning for Bushfire Protection	
Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	Not relevant to the subject planning proposal.
5.1 Implementation of Regional Strategies	
Requires that planning proposals are consistent with a regional strategy released by the Minister for Planning.	Consistency with the draft Inner North Subregional Strategy is considered in section 4.3.
5.2 Sydney Drinking Water Catchment	
Applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.	Not relevant to the subject planning proposal. The subject site is not within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
Applies to selected local government areas on the NSW far north coast	Not relevant to the subject planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
Applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive.	Not relevant to the subject planning proposal.

Direction	Comment
5.5 – 5.7 revoked	
5.8 Second Sydney Airport: Badgerys Creek	
Requires that planning proposals not contain provisions could hinder the potential for development of a Second Sydney Airport.	Not relevant to the subject planning proposal.
6.1 Approval and Referral Requirements	
States that a planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	The planning proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes	
Relates to the reservation of land for public purposes.	The subject planning proposal does not change the provisions of the NSLEP 2001 as they relate to reservation of land for public purposes.
6.3 Site specific provisions	
This direction discourages unnecessarily restrictive site-specific planning controls. Relevantly, it requires: (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:	The proposed amendment does not impose controls that are inconsistent with the requirements of this direction.

Direction	Comment
(a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.	
7.1 Implementation of the Metropolitan Plan for Sydney 2036 Requires that planning proposals be consistent with the Metropolitan Plan for Sydney 2036.	
	The Metropolitan Plan for Sydney 2036 is discussed in section 4.3.